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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7387 of 2007

Smt.Gayabai Dilip Pawar .. Petitioner

versus

State of Maharashtra & ors. .. Respondents

...

Smt.Poonam Bhosale for the petitioner.

Mr.C.R. Sonawane, AGP for the State.

Mr.S.B. Shetye for respondent no.4.

CORAM : S.B. MHASE AND

D.G.KARNIK, JJ

DATED : 4th October 2007

P.C.:

. Heard learned counsel for the petitioner.

2. We decline to entertain the Writ Petition for two reasons. Firstly, the election process has already started and therefore, Article 243-O of the Constitution of India, no interim relief can be granted. Even on merits, we do not find any merit in the petition. The grievance of the petitioner is

that she had filled in nomination form in the general category while she was shown in the general category reserved for women. Perusal of the wards and reservation of seats as shown in Exhibit-A would show that there is no seat reserved for general category (women) and therefore merely because the petitioner says that she has been considered as general category (women), we cannot accept that petition is contesting any seat for reserved post. Apart from that in the nomination form, she herself has stated that she is contesting general category and thereafter written the word "Stree" (woman). In our opinion, the word appears to have been written everywhere only to denote the sex and not for the purpose of reservation.

3. In the circumstances, there is no merit in the petition which is rejected summarily.

(D.G. KARNIK, J) (S.B. MHASE, J)